S.B. CRIMINAL REVISION PETITION NO.213/2006
(Mahboob Ali Vs. Mst. Farhat & Anr.)

Date of order : 10.4.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Talat Bari, for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.
Mr. M.S. Purohit, for the respondents.

Heard learned counsel for the parties.

This revision petition is against the order dated 10.1.2006 passed by Chief Judicial Magistrate, Bikaner, granting interim maintenance in favour of the respondents.

Learned counsel for the petitioner contended that the learned trial court was under obligation to first decide the issue with regard to divorce pending between the parties.

As regards the contention made by the learned counsel for the petitioner, he may file appropriate application before the learned trial court but here in this petition, the petitioner is challenging the order of interim maintenance, which does not require any interference by this Court.

The petitioner may file appropriate application with regard to his objection before the

trial court. In the interest of justice, the trial court is directed to decide the issue with regard to divorce first for the purpose of maintenance and looking to the hardship, being faced by the respondents. However, the petitioner is directed to make payment of interim maintenance till disposal of maintenance as ordered by the trial court.

With the aforesaid observations, the revision petition is disposed of.

(GOPAL KRISHAN VYAS), J.

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